

HOUSE BILL 3263

By Moore

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 21 and Title 50, Chapter 1, relative to  
employment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding  
Section 2 through Section 5 as a new, appropriately designated part.

SECTION 2. For purposes of this part, unless the context otherwise requires:

(1) "Employee" means any person employed by or engaged in service to an  
employer in a business of the employer;

(2) "Employer" means

(A) Any person or persons, corporation, unincorporated association,  
partnership, institution, trustee, trustee-in-bankruptcy, receiver, or any other  
entity that employs at least one (1) person within the state;

(B) The state and any political subdivision of the state and any agency,  
board, authority, commission or body created by or acting under the authority of  
the state; and

(C) Any person that is an agent of, acting for, or acting under the  
authority of an employer;

(3) "Mandatory communication" means any oral or other form of communication  
that will cause an employee to be subject to an adverse employment action if the  
employee does not listen to or read such communication at a meeting or respond,  
address or participate in such communication;

(4) "Political matters" means subjects relative to politics including candidates for  
government office; incumbent government office holders; ballot initiatives and referenda;

proposed legislation; political parties; and lawful political, social, community and labor organizations; and

(5) "Religious matters" means subjects relative to religion including religious faiths, organizations, institutions, beliefs, practices and activities.

### SECTION 3.

(a) No employer or employer's agent, representative or designee shall require an employee to attend an employer-sponsored meeting or participate in any mandatory communication with the employer or the employer's agents or representatives, if a purpose of such meeting or mandatory communication is to communicate the employer's opinion about religious or political matters or to attempt to influence the employee's opinions or actions with respect to religious or political matters.

(b) No employer or employer's agent, representative or designee shall discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against any employee:

(1) As a means of requiring an employee to attend a meeting or participate in a mandatory communication described in this part;

(2) Because the employee refuses to attend, respond to, address, or participate in a meeting or mandatory communication that the employee reasonably believes violates or would violate this part;

(3) Because the employee has challenged or opposed any practice that the employee reasonably believes violates or would violate this part; or

(4) Because the employee has taken legal action or testified concerning a violation of this part or has assisted or participated in any manner in any investigation, proceeding, or hearing pursuant to this part.

(c) This section shall not:

(1) Apply to communications about religious matters by a religious corporation, association, educational institution, or society; or

(2) Prohibit an employer from requiring employees to participate in a communication with the employer if receipt of such communication is reasonably necessary to the performance of actions that may lawfully be required by the employer and are related to the normal operation of the employer's business or enterprise.

#### SECTION 4.

(a) Any aggrieved employee may file a civil action alleging a violation of this part no later than one hundred eighty (180) days after the date of the alleged violation in a court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The court may award a prevailing employee all appropriate relief, including injunctive relief, rehiring or reinstatement of the employee to the employee's former position or equivalent position, back pay and reestablishment of any employee benefits, including seniority, to which the employee would otherwise have been eligible if such violation had not occurred, damages for any reasonably foreseeable losses sustained by such employee as a result of such violation, and any other appropriate relief as deemed appropriate by the court to make the employee whole, and to prevent additional violations of this part. The court shall award a prevailing employee an additional one hundred percent (100%) of back pay as liquidated damages to compensate for harms caused by the delay in payment, together with reasonable attorneys' fees and costs.

(b) In any proceeding under this part, when it is alleged that an employer or employer's agent, representative, or designee engaged in conduct constituting retaliation prohibited by this part within one hundred and eighty (180) days of the date upon which

the employee refused to attend or to respond to, address, or participate in a meeting or mandatory communication; challenged or opposed a practice; or took legal action or testified, assisted, or participated as described in this part, a presumption shall arise that the alleged conduct violated this part. The employer may rebut such presumption by providing clear and convincing evidence that the discharge of or action taken against the employee was for a bona fide job-related or business reason unrelated to any conduct prohibited by this part.

(c) Nothing in this part shall be construed to limit an employee's right to bring a cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

#### SECTION 5.

Employers shall post a notice to employees of employee rights under this part. Such posting shall be in a place normally reserved for similar employment-related notices in a location commonly frequented by employees.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.